

REMARKS

Claims 16-22, 24-26, 28, 33, 35, 36, and 39-41 were pending at the time of the last office action. Applicant has amended claim 16, canceled claims 19-22, 24-26, 28, 33, 35, 36, and 39-41, and added new claims 76-78. Thus, claims 16-18 and 76-78 are now pending.

Applicant would like to thank the Examiner for his consideration during the telephone interview of April 15, 2009. During that interview, applicant's representative described applicant's technology, proposed new claim 76, and the relied-upon references. As requested by the Examiner, applicant has further amended claim 76 to address the Examiner's concerns regarding Section 101.

The Examiner has rejected claim 16 under 35 U.S.C. § 112, second paragraph, as failing to comply with the written description requirement. The Examiner questions where the specification describes "setting an access level for a second user." (Office Action, Nov. 25, 2008, p. 2.) Applicant respectfully traverses this rejection. Claim 16 does precisely use this language, rather it recites "selecting a set of meta data that the second viewer is entitled to access, the second viewer not entitled to access all sets of meta data." Support for this language can be found in paragraph 0054 of applicant's specification.

The Examiner has rejected 16-18 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant has amended the claims to address the Examiner's concerns. Applicant also amended independent claim 16 to recite that the method is performed "in a computing device" and is thus associated with a computing device. Such a computing device is a machine under Section 101.

The Examiner has rejected the claims 16-18 under 35 U.S.C. § 103(a) as being unpatentable over Morrison, Sumita, and Morris. Although applicant disagrees,

applicant as amended the claims and added new claims 76-78 to clarify the claimed subject matter.

In rejecting claim 16, the Examiner relies on the combination of Morrison, Sumita, and Morris. Morrison describes searching an electronic program guide for television programs for keywords that match a user's query. When a match is found, the electronic program guide is positioned at the matching television program. Sumita describes the automatic recognition of text from the speech of a video and the associating of the text with scenes of the video. Sumita then generates a summary of the video from scenes of the video with associated text that matches a user's profile. Morris describes that an image has associated meta data whose access is controlled via permissions granted to "roles." If a user is within a role (e.g., management) that is granted permission to the meta data of an image, then the user can access the meta data. Otherwise, the user cannot.

Sumita is the only relied-upon reference that suggests associating data with portions of a television program or video. Morrison's content of the electronic program guide is associated with an entire television program and not specific portions of the television program. Morris's meta data is associated with images and not portions of a television program or video. Sumita, however, does not suggest that first viewers add meta data to portions of a video so the second viewers can search for that meta data and view portions of the video corresponding to found meta data.

Thus, the relied-upon combination of references does not suggest that "the meta data identifies portions within the television program having certain characteristics and having been provided by first viewers of the television program [or video]" and "receiving from the second viewer input search criteria... and searching by the computing device the received meta data provided by the first viewer of the selected set of meta data to locate meta data that satisfies the input search criteria" as recited by claims 16 and 76.

Indeed, there is nothing in the combination to suggest that any viewers provide meta data that identifies portions of a television program or video.

Based upon the above amendments and remarks, applicant respectfully requests reconsideration of this application and its early allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-8548.

Please charge any deficiencies or credit any overpayment to our Deposit Account No. 50-0665, under Order No. 418268854US from which the undersigned is authorized to draw.

Dated: May 26, 2009

Respectfully submitted,

By 
Maurice J. Pirio

Registration No.: 33,273
PERKINS COIE LLP
P.O. Box 1247
Seattle, Washington 98111-1247
(206) 359-8548
(206) 359-9000 (Fax)
Attorney for Applicant